

From: Brice, Susan
To: [Calderon, Wanda](#); [Ludmer, Margo](#)
Cc: [Ketzback, Thor](#); [Kemp, Vanessa](#); [Hamilton, Demetria](#)
Subject: RE: Estimate
Date: Monday, October 23, 2017 1:23:40 PM

Margo: Thanks for taking the time to speak with me. As we discussed, why don't we take this in stages. For now, let's narrow the existing request with respect to requests numbers 1 and 2. The FOIA regarding request numbers 3-9 remains the same. Once we review the information responsive to the modified request numbers 1 and 2, we will decide where to go next. Are you expecting to have additional documents responsive to numbers 3-9? If so, can you please let me know when we can expect to obtain them.

The original request number 1 and 2 stated:

(1) All documents, including reports, surveys, memoranda, correspondence, samples or data, in U.S. EPA's possession addressing any investigation, remediation, or removal activities addressing the presence of thorium, uranium or other radionuclide material located at, on or under the 9524 and 9540 Niagara Falls Boulevard, Niagara Falls, NY 14304 properties ("NFB site") (EPA ID. No NYN000206699). This shall include any and all documents relied upon by U.S. EPA in preparing its "Site Profile" for NFB site, located online at https://response.epa.gov/site/site_profile.aspx?site_id=11033 in which U.S. EPA stated that "In 1978, the U.S. Department of Energy conducted an aerial radiological survey of the Niagara Falls region and found more than 15 properties having elevated levels of radiation above background levels. It is believed that, in the early 1960s, slag from the Union Carbide facility located on 47th Street in Niagara Falls was used as fill on the properties prior to paving. The Union Carbide facility processed ore containing naturally-occurring high levels of uranium and thorium to extract niobium. The slag contained sufficient quantities of uranium and thorium to be classified as a licensable radioactive source material. Union Carbide subsequently obtained a license from the Atomic Energy Commission, now the Nuclear Regulatory Commission, and the State of New York; however, the slag had been used as fill throughout the Niagara Falls region prior to licensing. Based on the original survey and subsequent investigations, it is believed that the radioactive Union Carbide slag was deposited on the NFB site."

(2) All documents, including reports, surveys, memoranda, correspondence, samples or data, in U.S. EPA's possession addressing any investigation, remediation, or removal activities addressing the presence of thorium, uranium or other radionuclide material located at, on or under the Holy Trinity Cemetery property, 5401 Roberts Avenue, Lewiston, NY 14092 (EPA ID No. NYN000206698). This shall include any and all documents relied upon by U.S. EPA in preparing its "Site Profile" for Holy Trinity Cemetery, located online at https://response.epa.gov/site/site_profile.aspx?site_id=11528 in which U.S. EPA stated that "[i]n a 1978 U.S. Department of Energy aerial radiological survey, more than 15 properties throughout the region were identified as having elevated levels of radiation above background. It is believed that, in the early 1960s, slag from the local Union Carbide facility was used as fill on the properties prior to paving. The slag contained sufficient quantities of uranium and thorium to be classified as a licensable radioactive source material. Union Carbide subsequently obtained a license from the Atomic Energy Commission (now the Nuclear Regulatory Commission) and the State of New York; however, the slag had been used as fill throughout the Niagara Falls region prior to licensing. Based on the original survey and subsequent investigations, it is believed that the radioactive Union Carbide slag

was deposited at the Holy Trinity Cemetery property."

MODIFIED

So for the time being, we are requesting all documents, including reports, surveys, memoranda, correspondence, samples or data, in U.S. EPA's possession: (1) relating to the NFB site (EPA ID. No NYN000206699) and Union Carbide, Electromet Corporation or Electro Metallurgical Co.; (2) the Holy Trinity Site (EPA ID No. NYN000206698)) and Union Carbide, Electromet Corporation or Electro Metallurgical Co.; and (3) either the NFB Site or the Holy Trinity Site that were drafted, sent or received since May 1, 2016.

Please let me know if you have any questions. Thanks,

Susan



Susan Brice

Partner

susan.brice@bryancave.com T: +1 312 602 5124